

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

MAXINE FELDER PUGH, PERSONAL)
REPRESENTATIVE OF THE ESTATE OF)
MACK ALLEN PUGH, DECEASED,)

Plaintiff,)

v.)

MTGLQ INVESTORS, L.P., MORTGAGE)
CONTRACTING SERVICES, LLC,)
CYPREXX SERVICES, LLC, AND)
NEWREZ, LLC D/B/A SHELLPOINT)
MORTGAGE SERVING,)

Defendant.)
_____)

CIVIL ACTION NO.: _____

NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA, FLORENCE DIVISION; THE COURT OF COMMON PLEAS FOR THE FIFTEENTH JUDICIAL CIRCUIT, HORRY COUNTY, SOUTH CAROLINA; AND ALL PARTIES AND ATTORNEYS OF RECORD:

YOU WILL PLEASE TAKE NOTICE that Defendant, Cyprexx Services, LLC (“Cyprexx”), hereby invokes the removal jurisdiction of the United States District Court for the District of South Carolina, pursuant to 28 U.S.C. §§1441 and 1446, based upon the following:

1. Plaintiff commenced this action by filing the Summons and Complaint, naming MTGLQ Investors, L.P., with the Court of Common Pleas for Horry County, State of South Carolina, on or about January 25, 2022.

2. Plaintiff filed an Amended Summons and Complaint, naming MTGLQ Investors, L.P., Mortgage Contracting Services, LLC, Cyprexx Services, LLC, and NewRez, LLC d/b/a Shellpoint Mortgage Serving, on February 24, 2022.

3. Cyprexx was served with the Amended Summons and Complaint on March 4, 2022, through the State of South Carolina, Office of the Secretary of State.

4. MTGLQ Investors, L.P. answered the Amended Complaint on March 28, 2022.

5. In accordance with 28 U.S.C. §1446(a), true and correct copies of all process, pleadings, documents, and orders of which Cyprexx has been placed on notice are being filed herewith.

6. No other pleadings, process or orders have been filed in the state court action.

7. Cyprexx has not yet responded to the Complaint.

8. Venue is proper because this action is currently pending in the Court of Common Pleas for Horry County, State of South Carolina, located within the above-named Division of this Court. *See* 28 U.S.C. §1441(a).

9. This Notice of Removal is being filed within thirty (30) days “after the receipt by the defendant, through service or otherwise, of the complaint” in accordance with 28 U.S.C. § 1446(b).

10. Cyprexx seeks removal of this action from state court on the grounds that this federal court has diversity jurisdiction over the matter herein pursuant to 28 U.S.C. §1332, in that, upon information and belief, Plaintiff and all defendants are citizens of different States and it is believed the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. The Amended Complaint states that Plaintiff, Maxine Felder Pugh, is a resident of Sumter County, South Carolina, and her deceased son, Mack Allen Pugh, was a resident of Richland County, South Carolina.

11. Cyprexx is a company duly organized and existing under the laws of the state of Delaware with its principal place of business in the state of Florida. Cyprexx further attests that it is not incorporated or organized in South Carolina and that none of its members are citizens of South Carolina. Cyprexx’s Common Members are Xome Holdings, LLC; Special Asset

Management, Inc. and SamiTwo, LLC. Xome Holdings, LLC is a Delaware limited liability company whose sole member is Nationstar Mortgage, LLC d/b/a Mr. Cooper, a Delaware limited liability company. Nationstar Mortgage, LLC is wholly owned by Nationstar Mortgage Holdings, Inc., a Delaware corporation with its principal place of business in Texas. Special Asset Management, Inc. is a Florida corporation with its principal place of business in Florida. SamiTwo, LLC is Florida limited liability company whose members are individuals who are residents of Florida and Louisiana. Cyprexx's Class A Members are individuals who are residents of Florida and Louisiana. As further evidence, a copy of the business filing online database, which is made available to the public by the Office for the Delaware Secretary of State, is attached hereto as Exhibit A and indicates that Cyprexx is organized in the state of Delaware. There are no entries in the business filing online database for the Office for the South Carolina Secretary of State for Cyprexx.

12. MTGLQ Investors, L.P. ("MTGLQ") is a Delaware limited partnership. MTGLQ's sole general partner is MLQ, L.L.C. MLQ, L.L.C. is a citizen of both Delaware and New York. MTGLQ's sole limited partner is The Goldman Sachs Group, Inc. MLQ, L.L.C. is a Delaware limited liability company, whose members are Goldman Sachs Global Holdings L.L.C. and The Goldman Sachs Group, Inc. Goldman Sachs Global Holdings L.L.C. is a Delaware limited liability company whose members are Goldman Sachs Holding Company, LLC and The Goldman Sachs Group, Inc. Goldman Sachs Holding Company, LLC is a limited liability company whose sole member is The Goldman Sachs Group, Inc. The Goldman Sachs Group, Inc. is a publicly traded Delaware corporation and has its principal place of business in New York. MTGLQ is thus a citizen of Delaware and New York. As further evidence, copies of the business filing online databases, which are made available to the public by the Office for the

Delaware Secretary of State and the Office for the South Carolina Secretary of State, are attached hereto as Exhibit B and indicate that MTGLQ is organized in the state of Delaware. MTGLQ has consented to removal of this case to federal court, as evidenced by the Consent Form, attached hereto as Exhibit C.

13. Mortgage Contracting Services, LLC (“MCS”) is a Delaware limited liability company whose sole member is a citizen of Delaware for purposes of diversity. As further evidence, copies of the business filing online databases, which are made available to the public by the Office for the Delaware Secretary of State and the Office for the South Carolina Secretary of State, are attached hereto as Exhibit D and indicate that MCS is organized in the state of Delaware. MCS has consented to removal of this case to federal court, as evidenced by the Consent Form, attached hereto as Exhibit E.

14. NewRez, LLC d/b/a Shellpoint Mortgage Serving (“Shellpoint”) is a limited liability company organized under the laws of Delaware with its principal place of business in Pennsylvania. Shellpoint’s parent company is Shellpoint Partners LLC. The parent companies of Shellpoint Partners LLC are NRM Acquisition LLC (99%) and NRM Acquisition II LLC (1%). The parent company of both NRM Acquisition LLC and NRM Acquisition II LLC is New Residential Mortgage LLC. The parent company of New Residential Mortgage LLC is New Residential Investment Corp., a Delaware corporation with its principal place of business in New York. Shellpoint is therefore a citizen of Delaware and New York for purposes of diversity jurisdiction. As further evidence, copies of the business filing online databases, which are made available to the public by the Office for the Delaware Secretary of State and the Office for the South Carolina Secretary of State, are attached hereto as Exhibit F and indicate that Shellpoint is

organized in the state of Delaware. Shellpoint has consented to removal of this case to federal court, as evidenced by the Consent Form, attached hereto as Exhibit G.

15. Plaintiff appears to seek an award in excess of \$75,000, exclusive of interest and costs, based on the nature of the claim for actual and punitive damages asserted in its Amended Complaint. On this basis, Cyprexx reasonably believes and therefore avers that the amount in controversy in this action exceeds \$75,000, exclusive of interest and costs.

16. As required by 28 U.S.C. §1446(d), written Notice of Removal is being given to all adverse parties of record and a copy of the Notice is being filed with the Clerk of the Common Pleas Court of Horry County, South Carolina.

17. This document is executed in accordance with Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, Cyprexx, by its counsel, gives notice that the within civil action, previously pending in the Court of Common Pleas Court for Horry County, South Carolina, has been removed to the United States District Court for District of South Carolina, Florence Division, in accordance with title 28 U.S.C. §§1441 and 1446.

KERNODLE COLEMAN

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ATTORNEYS FOR DEFENDANT CYPREXX
SERVICES, LLC

April 4, 2022
Charleston, South Carolina